REMARKS

In response to the Office Action dated January 2, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-28 and 31-37 are pending in this application. Claims 29-30 and 38-50 have been canceled without prejudice or disclaimer.

Telephone Interview

Examiner Kelly and Examiner Van Handel are thanked for the telephone interview of March 25, 2008. The independent claims were discussed, and Examiner Kelly agreed that the amended claims distinguish over the cited documents. No other agreement was reached.

Objections to Claims 3 & 13

The Office objected to claims 3 and 13 for informalities. Claims 3 and 13, however, have been amended to correct their mistakes. Examiner Van Handel is thanked for nothing these mistakes.

Rejection of Claims under § 102 (e)

The Office rejects claims 1-8, 10-22, 24-28, and 31-36 under 35 U.S.C. § 102 (e) as being anticipated by Published U.S. Patent Application 2003/0172374 to Vinson, *et al.*

These claims, however, are not anticipated by *Vinson*. These claims recite, or incorporate, features that are not taught or suggested by *Vinson*. Independent claim 1, for example, recites *"collecting subscriber content-choice data ... describing an event record comprising a command of interest from the subscriber, a time associated with the command of interest, a type of a service provider that provides the content chosen by the subscriber, and a name of the service provider providing the*

subscriber's chosen content." Support may be found at least at column 2, lines 40-60 of U.S. Application 09/496,825, which is incorporated by reference. Independent claim 1 also recites *"merging the event record with data describing the subscriber's chosen content to form an event timeline that describes the subscriber's content selections over a period of time."* Support may be found at least at paragraph [0016] of U.S. Application 10/017,640, which is incorporated by reference. Independent claim 1 also recites *"receiving a request for the subscriber content-choice data, the request specifying the type of the service provider"* and *"querying for the subscriber content-choice data associated with the type of the service provider."* Independent claim 1 is reproduced below, and independent claims 15 and 36 recite similar features.

1.   A method for receiving subscriber content-choice information, comprising:

collecting subscriber content-choice data from a plurality of service providers, each service provider collecting the subscriber content-choice data from their respective subscribers, each subscriber's content-choice data related to a subscriber's viewing preferences for content, and each subscriber's content-choice data describing an event record comprising a command of interest from the subscriber, a time associated with the command of interest, a type of a service provider that provides the content chosen by the subscriber, and a name of the service provider providing the subscriber's chosen content;

storing the subscriber content-choice data in a database;

merging the event record with data describing the subscriber's chosen content to form an event timeline that describes the subscriber's content selections over a period of time;

receiving a request for the subscriber content-choice data, the request specifying the type of the service provider;

querying for the subscriber content-choice data associated with the type of the service provider; and

responding to the request with the subscriber content-choice data and with the event timeline.

Vinson does not anticipate all these features. *Vinson* describes a database that stores set-top box events. *See* Published U.S. Patent Application 2003/0172374 to Vinson at paragraph [0027]. Each set-top box's viewing habits may be correlated to demographic data, news, weather, and sales. *See id.* at paragraphs [0032] and [0033]. A "Data Center" may store the collected data. *See id.* at paragraph

[0087]. Users may query the data center and extract "meaningful" information. *See id.* at paragraph [0088]. "Once a target demographic is identified," one or more cable, Internet, or satellite service providers may be chosen. *Id.* at paragraph [0319]. As *Vinson* explains, the capabilities of the service provider may determine different behaviors. *Id.* at paragraph [0319].

Vinson, then, does not anticipate the independent claims. The Office interprets the above passages as receiving and querying for a name of a service provider. Independent claims 1, 15, and 36, however, recite *"receiving a request for the subscriber content-choice data, the request specifying the type of the service provider"* and *"querying for the subscriber content-choice data associated with the type of the service provider"* (emphasis added). Moreover, *Vincent* also fails to teach or suggest *"collecting subscriber content-choice data ... describing an event record comprising a command of interest from the subscriber, a time associated with the command of interest, a type of a service provider that provides the content chosen by the subscriber, and a name of the service provider providing the subscriber's chosen content."* The published application to Vincent, *et al.* also fails to teach or suggest *"merging the event record with data describing the subscriber's chosen content to form an event timeline that describes the subscriber's content selections over a period of time."* Because *Vincent* is silent to all these features, *Vincent* cannot anticipate independent claim 1, 15, and 36.

Claims 1-8, 10-22, 24-28, and 31-36, then, are not anticipated. Independent claims 1, 15, and 36 recite many features that are not taught or suggested by *Vinson*. The dependent claims incorporate these same features and recite additional features. *Vinson*, then, cannot anticipate claims 1-8, 10-22, 24-28, and 31-36, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

Rejection of Claims 9, 23 & 37 under § 103 (a)

The Office also rejected claims 9, 23, and 37 under 35 U.S.C. § 103 (a) as being obvious over *Vincent* in view of Published U.S. Patent Application 2002/0123928 to Eldering, *et al.*
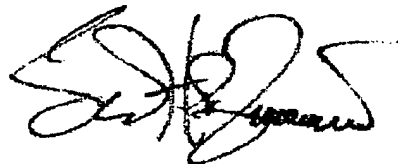
Claims 9, 23, and 37, though, cannot be obvious over *Vincent* and *Eldering*. These claims depend, respectively, from independent claims 1, 15, and 36 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Vincent* fails to teach or suggest all the features of independent claims 1, 15, and 36, and *Eldering* does not cure these deficiencies. The Office alleges that *Eldering* discloses storing profile data as XML files. Whether or not this allegation is true, the proposed combination of *Vincent* and *Eldering* still fails to teach or suggest all the features of independent claims 1, 15, and 36, from which claims 9, 23, and 37 depend. One of ordinary skill in the art, then, would not think that claims 9, 23, and 37 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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